Chandka

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUMMARY SUIT NO. 2453 OF 2005**

Hemraj Ramanlalji Jain ..Plaintiff
versus
Dhanji Kanji Parmar & Anr. ..Defendants

Mr. S. Kanojia i/b. P. Rathod for the Plaintiff.

None for the Defendants.

**CORAM : S. A. BOBDE, J.**
**DATE : 13TH DECEMBER, 2007.**

**P.C.**

1. Heard.

2. This is a summary suit for recovery of a sum of Rs.1,73,523/- as per the Particulars of Claim. According to the plaintiff, he paid the defendants a sum of Rs.1,50,000/- in cash on 25.8.2004. Defendant No.1 drew a Demand Bill of Exchange on 25.8.2004 on Defendant No.2 and signed and executed the same in favour of the plaintiff for a valuable consideration on which the defendant No. 2 received in cash the amount of Rs.1,50,000/- on 25.8.2004. The said Bill of Exchange has been filed on record along with the Affidavit of Documents and marked

Exhibit P-1.

3. This suit has been filed because according to the Plaintiff, the Bill of Exchange was being dishonoured and no payment has been made by the Defendants inspite of demand made by notice dated 20.10.2004. The said notice with acknowledgement is marked as Exhibit P-2 and P-3. The Plaintiff claims interest at the rate of 18% p.a. which has been added to the principal till the date of the suit amounting to Rs.1,73,523/-. The Defendants have been served and have failed to file their appearance.

4. In the circumstances having regard to the uncontroverted averments in the plaint, the suit is decreed in the sum of Rs.1,73,523/- with further interest at the rate of 18% p.a. on the said sum of Rs.1,50,000/- from the date of filing of the suit till payment and/or realisation and costs of the suit. Refund of Court fees as per the Rules. Decree be drawn accordingly.

**(S. A. BOBDE, J.)**